

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE JOSEPH,	:	
Plaintiff	:	Civil Action No. 1:11-cv-01255
	:	
v.	:	(Chief Judge Kane)
	:	(Magistrate Judge Smyser)
WARDEN DONNA ASURE, <u>et al.</u>,	:	
Defendants	:	

ORDER

Presently pending before the Court is Magistrate Judge Smyser's Report and Recommendation that Defendants' motion for summary judgment be granted with respect to Plaintiff's Eighth Amendment claims and that Plaintiff's motion to dismiss Defendants' motion for summary judgment be denied. (Doc. No. 46.) No timely objections have been filed.

ACCORDINGLY, on this 21st day of August 2012, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Smyser's Report and Recommendation (Doc. No. 46) is **ADOPTED**;
2. Defendants' motion for summary judgment (Doc. No. 36) is **GRANTED** with respect to Plaintiff's Eighth Amendment claims;
3. Plaintiff's motion to dismiss Defendants' motion for summary judgment (Doc. No. 40) is **DENIED**;
4. Pursuant to 28 U.S.C. § 1367(c)(3), the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims; and
5. The Clerk of Court is directed to close the case.

s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania